IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

CATHOLIC MEDICAL ASSOCIATION,

   Plaintiff,

  v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, *et
al.,*

   Defendants.

No. 3:25-cv-00048

Judge Campbell
Magistrate Judge Frensley

JOINT MOTION TO VACATE INITIAL SCHEDULING CONFERENCE AND DEADLINE TO SUBMIT PROPOSED CASE MANAGEMENT ORDER, AND TO SET DEADLINES

The parties respectfully move: to vacate the initial scheduling conference and deadline to submit a proposed case management order; to extend the answer deadline; and to set a deadline for the parties to submit a proposed schedule for further proceedings, and in support state:

1. Plaintiff challenges a July 2022 Memorandum from the Centers for Medicare & Medicaid Services with the subject "Reinforcement of EMTALA Obligations specific to Patients who are Pregnant or are Experiencing Pregnancy Loss" and an accompanying Letter from the Secretary of Health and Human Services. Compl. ¶ 1.

2. The Complaint was served on the U.S. Attorney's Office on January 29, and Defendants' deadline to respond is currently March 31. *See* Fed. R. Civ. P. 12(a)(2), 6(a)(1)(C).

3. Pursuant to Local Rule 16.01, the Court has set an initial scheduling conference for March 27 and directed the parties to submit a proposed case management order under Federal Rule of Civil Procedure 26(f) and Local Rule 16.01 by March 24. ECF No. 7.

4. Given the nature of this case—*i.e.*, a challenge to agency action that appears to present purely legal issues—the parties understand it to be exempt from the ordinary requirements to hold an initial scheduling conference and submit a proposed discovery plan. *See* Fed. R. Civ. P. 26(a)(1)(B)(i) (exempting "an action for review on an administrative record" from initial disclosure obligations); Fed. R. Civ. P. 26(f)(1)–(3) (exempting such actions from the requirement to confer and develop a proposed discovery plan); Local Rule 16.01(c)(3) (listing as "Exempt from Mandatory Initial Case Management Conferences" "[a]ll actions for judicial review of administrative decisions of government agencies or instrumentalities where the review is conducted on the basis of the administrative record"). In any event, the parties believe that such procedures would be unnecessary in this case, as no discovery is anticipated.

5. Cases such as this are instead often resolved by dispositive motion. Here, however, Defendants' March 31 answer deadline has not yet run, and new leadership at the Department of Health and Human Services respectfully seeks

additional time to consider how best to respond to the Complaint. Accordingly, the parties respectfully propose that the answer deadline be extended by 30 days, from March 31 to April 30. They further propose that the parties continue to confer and, by May 14, submit a proposed schedule for any further proceedings that may be necessary (provided that, in the event Defendants were to respond to the Complaint by moving to dismiss, Plaintiff's response would not be due before May 30).

WHEREFORE, the parties respectfully request that the Court vacate the initial scheduling conference and deadline to submit a proposed case management plan, extend the answer deadline to April 30, and set a deadline of May 14 for the parties to submit a proposed schedule for further proceedings.

Dated: March 21, 2025

Respectfully submitted,

/s/ *Eric Beckenhauer**
signed with permission from
Eric B. Beckenhauer
Cal. Bar No. 237526
*Pro hac vice motion pending
Assistant Director
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW
Washington, DC 20005
(202) 514-3338

Counsel for Defendants

/s/ *J. Dylan Harper*
J. Dylan Harper
TBPR No. 036820 (Admitted 2018)
SWAFFORD LAW
321 Billingsly Ct, Suite 1
Franklin, TN 37067
Office: 615.599.8406
Fax: 615.807.2355
dylan@swaffordlawfirm.com

Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is being served on all counsel through the

Court's CM/ECF system on March 21, 2025.

/s/ *J. Dylan Harper*
J. Dylan Harper